

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

MICHAEL FORTIN,	)	
	)	
Plaintiffs,	)	
	)	No. 07 C 7009
v.	)	Judge Kendall
	)	Magistrate Judge Keys
CITYVISTA CAPITAL, LLC, et al., a Delaware	)	
limited liability company; and HENRY	)	
CISNEROS, individually; and AMERICAN	)	
CITYVISTA HOLDINGS, LTD.,	)	
Defendants.		

**DEFENDANTS' RULE 12(b)(2), 12(b)(3) MOTION TO DISMISS**

Defendants, Henry Cisneros and American CityVista Holdings, Ltd. f/k/a American CityVista, Ltd. ("ACV"), through their counsel, move pursuant to Fed. R. Civ. P. 12(b)(2) and 12(b)(3), and upon the accompanying Memorandum of Law and Affidavit of Henry G. Cisneros, to dismiss: (a) the claims against Mr. Cisneros and ACV for lack of personal jurisdiction; (b) the Third and Fourth Causes of Action in their entirety for improper venue; and (c) the Third and Fourth Causes of Action under the doctrine of *forum non conveniens*..

WHEREFORE, Mr. Cisneros and ACV respectfully request that this Court: (a) Dismiss the First Cause of Action as against Henry Cisneros; (b) Dismiss the Third Cause of Action as against ACV; (c) Dismiss the Fourth Cause of Action as against ACV; (d) dismiss the Third Cause of Action for improper venue; (e) dismiss the Fourth Cause of Action for improper venue; (f) dismiss the Third Cause of Action on the grounds of *forum non conveniens*; (g) dismiss the Fourth Cause of Action on the grounds of *forum non conveniens*; (h) award to Mr. Cisneros and ACV such further relief as this Court deems just and equitable.

Respectfully submitted,

Dated: May 9, 2008

/s/ Stacey L. Smiricky

One of the Attorneys for Defendants  
AMERICAN CITYVISTA HOLDINGS,  
LTD. and  
HENRY CISNEROS

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**CERTIFICATE OF SERVICE**

I hereby certify that on May \_\_\_, 2008, I electronically filed the foregoing document with the Clerk of Court using the CM/ECF system which will send notification of such filing to the following:

Joel D'Alba  
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\_\_\_\_\_/s/ Stacey L. Smiricky